IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 11648 of 2007(J)

PETITIONER:

V.N.SUMA SURESH, AGED 37 YEARS,
D/O.LATE NARAYANAN, PATTAYIL KOLLARI HOUSE,
P.O.RAMANATTUKARA, VELIPRAM AMSOM DESOM,
KOZHIKODE.

BY ADV. SRI.P.VIJAYA BHANU
SMT.K.S.CHANDRIKA

RESPONDENTS:

---

1. M/S.SRIRAM GROUP COMPANY,
CHEROOTY ROAD, NAGARAM AMSOM DESOM,
KOZHIKODE.

2. THE BRANCH MANAGER, M/S.SRIRAM GROUP
COMPANY, KOZHIKODE BRANCH, CHEROOTY ROAD,
NAGARAM AMSOM DESOM, KOZHIKODE.

3. THE REGISTERING AUTHORITY,
REGIONAL TRANSPORT OFFICE, CIVIL STATION,
NEDUNGOTTUR AMSOM DESOM, KOZHIKODE.

4. THE DISTRICT COLLECTOR,
CIVIL STATION, KOZHIKODE.

BY GOVT. PLEADER SMT.R.BINDU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11648 OF 2007-J

JUDGMENT

The petitioner is the registered owner of a goods vehicle bearing registration No.KL-11/P 713. She has availed a loan from the 2nd respondent, who is the Branch Manager of the 1st respondent finance company, for purchasing the said vehicle. So, the hire-purchase agreement is endorsed in the registration certificate of the vehicle. On the allegation that the petitioner failed to pay the instalments due under the loan, the vehicle has been seized by the 1st respondent. It appears the financier has moved the registering authority for issuing a fresh registration certificate. So, the petitioner has been served with Ext.P2 notice by the registering authority, calling upon her to file her objections, if any, against the application filed by the financier. The petitioner caused to issue Ext.P3 lawyer notice, in reply to Ext.P2. She has already filed O.S. No.170/2007 before the Munsiff's Court, Kozhikode against the respondents, claiming mandatory injunction against the financier to return the vehicle and also seeking an injunction against the registering authority not to issue fresh registration certificate in respect of the above said vehicle. Thereafter, this

Writ Petition is filed, seeking the following reliefs:

> "(i) issue a writ of mandamus or such other writ, order or direction, commanding respondent No.3 not to cancel the certificate of registration in the name of the petitioner in respect of the vehicle bearing registration No.KL-11/P 713and not to issue a fresh certificate of registration in the name of the 1st respondent, till the disposal of O.S.No.170/07 before the Munsiff's Court, Kozhikode;
>
> (ii) issue a writ of mandamus or such other writ, order or direction, commanding respondents 1 and 2 to return possession of the vehicle bearing registration No.KL-11/P 713 to the petitioner forthwith."

The above prayers are the reliefs sought in the aforementioned suit. So, this Writ Petition is not maintainable. But, it is ordered that even if the petitioner does not get any interim order in the suit, the application for fresh R.C shall be disposed of only after considering the objections of the petitioner, if so far, the same has not been disposed of.

Subject to that direction, the Writ Petition is closed.

3rd April, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/